

**Make the following Amendments:**

**1. (currently amended)** An inflatable box used for shipping and packaging ~~comprising an inflatable box made up~~ comprised of a rigid material ~~or the like~~, attached to an inner inflatable cushion with a bottom that is attached to the inside walls of the box which can be inflated through a valve, wherein:

the box includes bottom closing flaps;

the inflatable cushion covers the inside walls and the bottom of the box;

~~and~~ a valve which connects the outside of the box through a hollow lumen to the inside of the cushion allowing air to pass through from the outside of the box to the inside of the cushion allowing inflation of the cushion;

prior to inflation articles for shipping are added to the inflatable box;

the inflatable box is then inflated, sealed and readied for shipment.

**2. (withdrawn)**

**3. (original)** The inflatable box according to claim 1 wherein said filling medium is air.

**4. (withdrawn)**

**5. (original)** The inflatable box according to claim 1 wherein said box does not contain any independent parts which are placed in the box after or before inflation of the cushion.

**Response:**

The Applicant complied with Examiner request to remove claim 4 as stated by the Examiner on page 2 of the Office Action dated 01/28/04 sections 1 and 3. In addition, the Applicant changed claim 1 per the Examiner suggestion as stated in Advisory Action dated 03/02/04 in which the Examiner states that the applicant needs to state “functional” usage in the claim (apparently it had not being done prior to that time). The Applicant appreciates the helpful suggestions of the Examiner and respectfully request allowance of the amended and new claims.

The specification clearly states that components of the inflatable box. Which is obvious that it does not contain any external devices to function properly (e.g. dunnage devices, packing material, etc.). This is not a limitation of the present device. Again, Sperry clearly states that the dunnage bag (e.g. packaging material) has to be placed in the device for it to function properly. It is not part of the Sperry device. Again, the following is a direct quote from Sperry’s specification with regards to the use of the dunnage bag in Figure 11, etc., “In another embodiment shown in FIG. 11, a composite dunnage bag 450 includes a rigid valve assembly 451, and has the features of both dunnage bag 410 (FIG. 10) and dunnage bag 10 (FIG. 1). Dunnage bag 450 includes a portion 452 joined by a mid portion 454 to another portion 456. Portion 452 has a substantially smooth outer surface, and portion 456 has a quilted construction similar to the dunnage bag described with reference to FIG. 10. In use, the operator places dunnage bag 450 in the **container** such that portion 456 rests on the bottom of the **container**.”

Next, the operator places an article 458 on top of portion 456 and then folds portion 452 over the article.”

As Sperry tries to explain his device (dunnage bag) by the above statement makes it very clear that the dunnage bag is placed into the container. The bag in itself is not a container. That would not matter anyway there is no way to take the Sperry and Hollingsworth device and create the applicants device. Any position opposed to this is not legally defensible. The Applicants device is not a bag, dunnage bag or any similar device. There is no way that FedEx or UPS is going to accept a dunnage bag filled with air for shipping. Where are the products for shipping going to go (taped on the outside of the shipping bag)? They require a rigid container (preferably cardboard) for shipping products. Where is the shipping label going to go on the Sperry device?

Again, the Examiners position is not legally defensible and will not prevail on Appeal.

The following arguments still uphold the Applicants position.